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|--|---|--|--|--|--|--|
| Request  | Application Number                              | 09/781,309   |  |  |  |  |
| for  | Filing Date                                     | 2/13/2001  |  |  |  |  |
| Continued Examination (RCE)  Transmittal                       | First Named Inventor                            | Shinagawa et al. FECEIVED                            |  |  |  |  |
| Address to: Mail Stop RCE                                      | Art Unit  | 2624 JUL 1 3 2004                                    |  |  |  |  |
| Commissioner for Patents                                       | Examiner Name                                   | Anh Hong Do  |  |  |  |  |
| P.O. Box 1450<br>Alexandria, VA 22313-1450                     | Attorney Docket Number                          | 13599RCE   |  |  |  |  |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

| amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).  a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.  i.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on   ii.  Other Petition Under 37 CFR 1.313(b)(1)37 CFR 1.313(c)(2)  b.  Enclosed  i.  Affidavit(s)/ Declaration(s)  ii.  Affidavit(s)/ Declaration(s)  iv.  Other  2.  Miscellaneous  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a   period of  months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  b.  Other  3.  Fees  The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to   Deposit Account No. 04-1577  i.  RCE fee required under 37 CFR 1.17(e)  ii.  Extension of time fee (37 CFR 1.176)  WARNING: Information on this form may become public. Credit card information should not   be included on this-fromp. Provide credit card information and authorization on PTO-2038.  SCHART/REQ PAPICICANT, ATTORNEY, OR AGENT REQUIRED  Name (Print/Type)  Ralph A Davig  CERTIFICATE OF MAILING OR TRANSMISSION  Levels continued in part of the provided is the public which is to file (and by the UBPTO-  CERTIFICATE OF MAILING OR TRANSMISSION)  Date   | 1990   |   | 10 0,     |          | .3.  |     | ירי |      |      |     |               | •               |             |                  |                 |          |                      |                      | _           |                 | _           | 4 10 1110 0                  |               |  |                                       |          |
|--|--------|---|-----------|----------|--|-----|-----|------|------|-----|---------------|-----------------|-------------|------------------|-----------------|----------|----------------------|----------------------|-------------|-----------------|-------------|------------------------------|---------------|--|---------------------------------------|----------|
| considered as a submission even if this box is not checked.    Consider the arguments in the Appeal Brief or Rely Brief previously filed on  | 1.     | amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such |           |          |  |     |     |      |      |     |               |                 |             |                  |                 | i        |                      |                      |             |                 |             |                              |               |  |                                       |          |
| Collister the arguments in the Appear Line in New York previously miles of the Vertices of the |        | a.  | <b>V</b>  |          |  |     |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
| b.   |        |   | i.        |          | Consider the arguments in the Appeal Brief or Rely Brief previously filed on |     |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
| ii.  |        |   | ii.       | Tu       | Other Petition Under 37 CFR 1.313(b)(1)37 CFR 1.313(c)(2)                    |     |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
| ii. Affidavit(s)/ Declaration(s)  iv. Other  2. Miscellaneous  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of   |        | b.  | <b>v</b>  | Er       | Enclosed   |     |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
| 2. Miscellaneous  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a  a. period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  b. Other  The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to  Deposit Account No. 04-1577  i. RCE fee required under 37 CFR 1.17(e)  ii. Extension of time fee (37 CFR 1.136 and 1.17)  iii. Other additional claim fees  b. Check in the amount of \$  |        |   | i.        |          |  | /   | X   | nei  | ndr  | ner | ıt/R          | eply            |             |                  |                 |          |                      | ii                   | i.          | V               |             | Informat                     | ion           | Disclosure Statement (IDS  | )                                     |          |
| Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  b. Other  |        |   | ii.       |          | ]  | ,   | ٩ff | ida  | avi  | (s) | De            | clar            | ation       | ı(s)             |                 |          |                      | iv                   | <b>'</b> .  |                 | ]           | Other _                      |               |  |                                       |          |
| a. period of   | 2.     | Mi  | iscella   | ane      | eoı  | us  | 3   |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
| The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1577  i. RCE fee required under 37 CFR 1.17(e)  ii. Extension of time fee (37 CFR 1.136 and 1.17)  iii. Other additional claim fees  b. Check in the amount of \$   |        |   | П         |          |  | •   |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             | •               |             |                              |               |  |                                       |          |
| 3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1577  i.  |        | a.  | Ш         | · p      | eri  | io  | d c | of _ |      |     |               | mor             | iths.       | . (Per           | riod of         | suspe    | ension s             | hall not             | XCE         | ed 3            | mo          | nths; Fee                    | und           | er 37 CFR 1.17(i) required)  |                                       |          |
| The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1577  i.   |        | b.  |           | C        | )th  | er  | _   |      |      |     |               |                 |             |                  |                 |          |                      |                      | -           |                 |             |                              |               |  |                                       |          |
| The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1577  i.   | 3.     | F   | ees       | Т        | he   | e F | c   | E    | fee  | un  | der           | 37 (            | CFR         | 1.17             | 7(e) is         | requ     | ired by              | 37 CF                | ₹ 1.        | 114             | wh          | en the R                     | CE            | is filed.  |                                       |          |
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| ii.  Other additional claim fees  b.  Check in the amount of \$  |        | a.  | •         |          | ер   | po  | sit | Α    | ccc  | uni | No            | . 04            | 1-15        | 77               |                 |          |                      |                      |             |                 |             |                              |               |  | · · · · · · · · · · · · · · · · · · · |          |
| b. Check in the amount of \$   |        |   | i.        | V        | RCE fee required under 37 CFR 1.17(e)  |     |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
| b. Check in the amount of \$   |        |   | ii.       |          | Extension of time fee (37 CFR 1.136 and 1.17)                                |     |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
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| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.    Signature   Registration   Registrat |        | b.  |           | C        | he   | ec  | ( i | n t  | he   | am  | our           | t of            | \$          |                  |                 |          | -                    |                      |             |                 |             | _enclosed                    | j             |  |                                       |          |
| be included on this form. Provide credit card information and authorization on PTO-2038.  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED  Name (Print/Type) Ralph A. Dowel Registration No. (Attorney/Agent) 26868  CERTIFICATE OF MAILING OR TRANSMISSION  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Traderregic Office on the date shown below.  Name (Print/Type)  Signature  Date  |        | C.  |           | Ρ        | ay   | /m  | er  | nt b | οу   | cre | dit c         | ard             | (Forn       | n PT(            | O-203           | 8 encl   | osed)                |                      |             |                 |             |                              |               |  |                                       |          |
| Name (Print/Type) Ralph A. Dowel Registration No. (Attorney/Agent) 26868  Signature CERTIFICATE OF MAILING OR TRANSMISSION  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Traderight Name (Print/Type)  Signature Date Date Certain a benefit by the public which is to file (and by the UEPTO)   |        |   |           |          |  |     |     |      |      |     |               |                 |             |                  |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |
| Registration No. (Attorney/Agent) 26868  Signature  CERTIFICATE OF MAILING OR TRANSMISSION  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Tradertark Office on the date shown below.  Name (Print/Type)  Signature  Date  |        |   |           |          |  | _   |     |      |      |     | S,            | KG N            | ATI         | RE (             | OF A            | PPLIC    | CANT,                | ATTO                 | NE          | Y, O            | R           | AGENT I                      | RE            | QUIRED   |                                       | R        |
| CERTIFICATE OF MAILING OR TRANSMISSION  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Tradentark Office on the date shown below.  Name (Print/Type)  Signature  Date  Date  Date  Date  Date   Commissioner for Patents   Date   | Name   | e (Pr   | rint/Type | θ)       | IR   | ₹a  | pl  | ۱ A  | ۱. [ | ow  | $\overline{}$ | Z               | 9           | $ \mathcal{I} $  |                 |          |                      |                      |             |                 |             | Regis                        | tra           | tion No. (Attorney/Agent) 2  | 6868                                  | 8.       |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Tradentark Office on the date shown below.  Name (Print/Type)  Signature  Date  Date  Date  Date   Commissioner for Patents and Tradentark of the U.S. Patent and Tradentark of the | Signa  | ture  | 9         |          |  |     |     |      |      | _/  | <u>Z</u>      |                 | 7           | <u> </u>         | _               | <u> </u> |                      |                      |             |                 |             | Date                         |               |  |                                       | <u> </u> |
| addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Traderityrk  Office on the date shown below.  Name (Print/Type)  Signature  Date  Date  This collection of information is required by 37 CER 1 114. The information is required to obtain or retain a benefit by the public which is to file (and by the UEPTO)   |        |   |           |          |  |     |     |      |      |     |               |                 | (           | CER              | TIFIC           | ATE      | OF MA                | AILING               | OR          | TR/             | N           | SMISSIO                      | N             |  |                                       |          |
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| La complete in the control of the co | This c | his collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USP)  |           |          |  |     |     |      |      |     |               |                 |             | USPTO            |                 |          |                      |                      |             |                 |             |                              |               |  |                                       |          |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a perient by the public which is on its class by the process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, incftdingle gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patehland Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO HIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# Instruction Sheet for RCEs (not to be submitted to the USPTO)

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### NOTES:

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OFFICE OF PETITION

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date

## Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

#### Filing Requirements:

**Prosecution in the application must be closed.** Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

#### **WARNINGS:**

## Request for Suspension of Action:

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does <u>not</u> satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

#### Improper RCE will NOT toll Any Time Period:

**Before Appeal** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

**Under Appeal -** If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.